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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/720,355   | 11/24/2003  | Mark S. Rense        | 135427/GECZ 2 00687  | 4678             |
| 27885  | 7590        | 07/27/2005           | EXAMINER             |                  |
| FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP<br>1100 SUPERIOR AVENUE, SEVENTH FLOOR<br>CLEVELAND, OH 44114 |             |                      | RIELLEY, ELIZABETH A |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 2879                 |                  |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/720,355

Applicant(s)

RENSE, MARK S.

Examiner

Elizabeth A. Rielley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/24/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Claims 1-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/24/05.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 40 in paragraph 13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 10-13, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Noll et al (US 6060820).

In regard to claim 7, Noll et al ('820) teach a lamp (figure 1) comprising: a reflector housing (40; column 4 lines 54-65) including a reflective portion (43), a heel portion (46; column 5 lines 34-40) and a nose (49; column 5 lines 56-67), wherein the nose includes an opening (53; column 6 lines 1-6); a light source disposed in said reflector housing (41); a pair of leads connected to said light source (59; column 5 lines 9-13); an eyelet (51; column 5 lines 56-67) protruding completely through the opening (53) in the nose (49) and receiving one of said leads (50; see figure 1); and a positioning member (44; column 5 lines 41-52) disposed in the heel portion (46) of said reflector (40), said positioning member (44) including an opening (not numbered; column 5 lines 41-45), the opening (not numbered) receiving said light source (41; see figure 1).

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In regard to claim 10, Noll et al ('820) teach a shoulder (67; column 5 lines 41-52) protruding inwardly from a wall of the heel portion (46), wherein said positioning member (44) rests on said shoulder (see figure 1).

In regard to claim 11, Noll et al ('820) teach that the positioning member (44) rests on the shoulder (67) with no greater force than the weight of said positioning member (44), and said light source (41; see figure 1, only the light source 41 is on the positioning member 44, which rests on the shoulder 67).

In regard to claim 12, Noll et al ('820) teach the opening in the nose (49) has a first diameter at a surface of the nose facing the reflective portion (the diameter with 70) and a second larger diameter (on 73) at a surface facing away from the reflective portion (43; see figure 1).

In regard to claim 13, Noll et al ('820) teach that the eyelet (51) includes a swaged portion (52) engaging said nose (49; see figure 1).

In regard to claim 15, Noll et al ('820) teach that the positioning member (44) consists essentially of aluminum (column 5 line 41-43<sup>1</sup>).

In regard to claim 16, Noll et al ('820) teach a lamp comprising (40; figure 1; column 4 line 54 to column 6 line 25): a reflector housing (43); a light source (41) disposed in said reflector housing; a pair of leads extending from said light source (59); a positioning member including an opening (44), said positioning member receives said light source in the opening (see figure 1) wherein said positioning

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<sup>1</sup> <http://metals.about.com/od/sheetmetal/>

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member is adapted to be received in said reflector housing to axially align said light source in said reflector housing (see figure 1); and a shoulder (67) disposed in said housing, said positioning member (44) resting on said shoulder wherein said shoulder is adapted to vertically align said light source in said reflector housing (see figure 1).

In regard to claim 17, Noll et al ('820) teach that the reflector housing (43) includes a nose (49) and said shoulder (67) extends upwardly from said nose such that said positioning member (44) aligns said light source (41) in said reflector housing (43) with no greater force exerted by said positioning member (44) on said shoulder (67) than the weight of said positioning member (44) and said light source (41; see figure 1, only the light source 41 is on the positioning member 44, which rests on the shoulder 67).

In regard to claim 18, Noll et al ('820) teach that the reflector housing (43) includes an opening (53) and further comprising an eyelet (51) protruding through an opening in the reflector housing (53), wherein the eyelet includes portions extending out of each side of the opening (70 and 72).

In regard to claim 19, Noll et al ('820) teach that the eyelet (51) includes a flange (70) that rests on a first side of said reflector housing and a swaged portion (72) that engages a second side of said reflector housing (see figure 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

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patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noll et al (US 6060820) in view of Gagnon et al (US 6078128).

In regard to claim 8, Noll et al ('820) teach the eyelet (51) includes a tubular portion (see figure 1) and a flange (70; column 6 lines 1-5). Noll et al ('820) are silent regarding the limitation of the tubular portion has substantially homogenous strength characteristics throughout the length of the tubular portion. Gagnon et al ('128) teach an eyelet (26) that has substantially homogenous strength characteristics throughout the length of the tubular portion (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-46; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

In regard to claim 9, Noll et al ('820) teach that the eyelet includes a tubular portion (see figure 1) having a first end (not numbered), a second end (not numbered) and a flange at the first end of the tubular portion (70). Noll et al ('820) are silent regarding the limitation of the tubular portion comprises a wall having a substantially uniform thickness from the first end to the second end. Gagnon et al ('128) teach the tubular portion of an eyelet (26) comprises a wall having a substantially uniform thickness from the first end to the second end (column 2 line 43 – column 3 line 32) in order improve focal position of the lamp (column 1 lines 40-46; claim 1). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the eyelet of Gagnon et al ('128). Motivation to combine would be to improve focal positions of the lamp.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noll et al (US 6060820) in view of Noll et al (US 62100209).

Noll ('820) teach all the limitations set forth, as described above, except the positioning member includes a pair of tabs positioned on opposite sides of the opening in the positioning member, wherein the tabs engage the light source. Noll et al ('209) disclose a positioning member (10; figure 5; column 4 lines 30-50) includes a pair of tabs (21) positioned on opposite sides of the opening in the positioning member, wherein the tabs engage the light source (see figure 2) in order to improve the focal position of the lamp. Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Noll et al ('820) with the positioning member of Noll ('209). Motivation to combine would be to improve focal positions of the lamp.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained



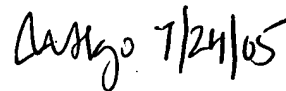
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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



*Elizabeth Rielley*

*Examiner*  
*Art Unit 2879*



*Santiago 7/24/05*  
**MARICELI SANTIAGO**  
**PRIMARY EXAMINER**